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10/726,491

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Yoshio Mukaiyama

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08/23/2006

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EXAMINER

NGUYEN, THU V

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,491

Applicant(s)

MUKAIYAMA, YOSHIO

Examiner

Thu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In view of the response after final amendment submitted on July 21, 2006, the final rejection mailed on May 19, 2006 has been withdrawn. A new final rejection is herein issued as followed:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 11, 17, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632) and further in view of Wehner et al (US 2004/0061600).

As per claim 1, 17, Breed teaches a vehicular communication apparatus installed in a vehicle for establishing bidirectional communication with a foreign moving object (para 0511-0512; 0621) in which a plurality of pieces of information are repeatedly transmitted and received in a constant cycle (lines 10-15 of para 0342; para 628), the apparatus comprises: a collection device that collects a plurality of pieces of information on the vehicle (para 0530-0531, 0546); a transmission device that transmits pieces of information to the foreign moving object (para 0316). Breed does not explicitly disclose a selection device that collects a plurality of pieces of information and that selects the pieces of information to be transmitted in accordance with an emergency level that is determined in accordance with the situation between the host vehicle

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and the moving object. However, Wehner teaches a selection device that collects a plurality of pieces of information (para 0037) and that selects the pieces of information to be transmitted in accordance with an emergency level (the specific text message that indicate application of brake, of traction control para 0037, para 0038), furthermore, since Wehner teaches determining the emergency level based on immediate braking situation, etc. which may present hazard to the surrounding vehicles (para 0038), Wehner obviously encompasses determining emergency level based on the situation between the vehicle, since when the host vehicle apply sudden brake, the situation between the host vehicle and the following vehicle is obviously changed. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the selection device taught by Wehner to the apparatus taught by Breed in order to save transmission bandwidth by transmitting only appropriately related messages to other vehicles.

As per claim 11, 19, Breed teaches a vehicular communication apparatus for bi-directional communication in which a plurality of pieces of information are repeatedly transmitted and received in a constant cycle (lines 10-15 of para 0342; para 628). The apparatus comprises: a transmission device for transmitting information including an identification code for the foreign moving object to identify the vehicle, a reception device, a collection device (para 0530-0531, 0546), and the detection device (para 0344-0345). Breed does not explicitly teach a selection device for selecting information in accordance with an emergency level. However, Wehner teaches selecting information according to the emergency level (refer to claim 1 above). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the selection device of Wehner to the system of Breed to select the information

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according to the emergency level as taught by Wehner in order to save the transmission bandwidth.

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632) and further in view of Wehner et al (US 2004/0061600) and further in view of Yu et al (US 2003/0125846)

As per claim 2-5, Yu teaches selecting information according to a type of the foreign moving object (para 0051, 0043) or the relationship between the vehicle and the foreign moving object and a circumstance in which the foreign object run (para 0044). Moreover, Yu teaches selecting information according to user preference of the foreign moving object (para 0040), further, generating request for information would have been well known.

4. Claims 6-10, 12-16, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632) in view of Wehner et al (US 2004/0061600) and further in view of Yu et al (US 2003/0125846) and Taylor (US 2003/0169185).

As per claim 6-10, Breed teaches the capability of transmitting emergency messages at priority level (para 0349; 0300-0302). Moreover, Taylor teaches determining an emergency level with the foreign object on the basis of relationship between the vehicle and the foreign object, determining foreign object to be communicated with, and providing information concerning emergency level (para 0054; 0076; 0095-0135); moreover, changing frequency in accordance with the emergency level for adjusting the frequency of message sending would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the

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invention was made to include the capability of categorizing information into different emergency level in order to facilitate providing warning to the user accordingly.

As per claim 12-16, refer to claims 1, 7-8 above. Moreover, Breed teaches the moving object reception device and the capability of providing emergency information and collision avoidance (para 0300-0302), furthermore, Taylor teaches including the capability of recognizing emergency level from a received information (para 0095-0135), moreover, processing data according to the emergency level would have been well known.

As per claim 18, 20, refer to claim 6, 12 above.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

The final rejection mailed on May 19, 2006 is herein withdrawn in view of the properly submitted foreign priority claim. Since this office action replace the final rejection that was issued on May19, 2006 with the new ground of rejection based on the amended claims in the amendment filed on March 1, 2006, the office action is made final.

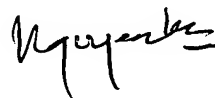
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (571) 272-6967. The examiner can normally be reached on T-F (7:30-6:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 15, 2006



THUY V. NGUYEN
PRIMARY EXAMINER